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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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PEOPLE OF THE STATE OF CALIFORNIA
ex rel. EDMUND G. BROWN, JR.,^K
ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA,

No. C 07-02055 JSW

Plaintiff,

v.

**NOTICE OF TENTATIVE
RULING AND QUESTIONS**

ENVIRONMENTAL PROTECTION
AGENCY; NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION;
DEPARTMENT OF TRANSPORTATION;
and OFFICE OF MANAGEMENT AND
BUDGET,

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING TENTATIVE RULING AND QUESTIONS FOR THE
HEARING SCHEDULED ON AUGUST 24, 2007 AT 9:00 A.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at the hearing. If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority.

1 The Court **tentatively GRANTS** Plaintiff's motion for a *Vaughn* index.

2 The parties shall each have 10 minutes to address the following questions:

3 1. Defendants do not contest the need for a *Vaughn* index in this case and the Court intends
4 to grant Plaintiff's motion to have one produced expeditiously. What is a viable
4 deadline for its production – 14 or 28 days?

5 2. On what authority does Plaintiff rely when it requests that the Court order Defendants to
6 specify in the index for each withheld document or portion of a document why the
6 public interest does not favor disclosure?

7 3. Do the parties have anything further they wish to address?

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9 **IT IS SO ORDERED.**

10 Dated: August 20, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE